

Response Under 37 C.F.R. § 1.116 Expedited Procedure Examining Group 2871 PATENT

ATTORNEY DOCKET NO.: 053785-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Ku Hyun PARK) Confirmation No. 1288
Application No.: 09/771,640) Group Art Unit: 2871
Filed: January 30, 2001) Examiner: M. Ton
For: LIQUID CRYSTAL DISPLAY PANEL IMPLEMENTING BISTABLE LIQUID CRYSTAL AND METHOD OF FABRICATING THE SAME))) Mail Stop AF)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop AF**Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated October 31, 2003 (Paper No. 11), the period for response which extends through January 31, 2004, Applicant respectfully requests reconsideration and allowance of the application for the following reasons:

In the October 31, 2003 Final Office Action, claims 11-12 and 14-17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 6,133,975 to <u>Li et al</u>. In addition, claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Li et al</u>. Applicant respectfully submits that <u>Li et al</u>. fails to teach or suggest all of the features recited in claim 11.

Claim 11 recites, amongst other features, "the liquid crystal layer has a photopolymerized monomer aligned perpendicular to the first and second substrates." The Final Office Action refers to the present specification explaining how the polymer network of the present invention serves to maintain the homeotropic alignment or perpendicular alignment to the substrate. (See paragraph 6, lines 5-9 of the Final Office Action). The Final Office Action further explains how Li et al. discloses a bistable liquid crystal material and a polymer stabilizer, wherein the polymer stabilizer comprises a polymerizable monomer and is cured to form a polymer network. (See paragraph 6, lines 10-13 of the Final Office Action). However, there is no explanation in the Final Office Action of how or where Li et al. teaches or suggests homeotropic alignment or perpendicular alignment to first and second substrates. Applicant respectfully asserts that there is no teaching or suggestion of homeotropic alignment or perpendicular alignment to first and second substrates in Li et al.

Apparently, the Final Office Action tries to rely on the present application to assert that a polymer network is or equates to a homeotropic alignment (or perpendicular alignment to first and second substrates). Then, the Final Office Action apparently argues that because <u>Li et al.</u> has a polymer network, <u>Li et al.</u> anticipates the feature of perpendicular alignment to first and second substrates recited in claim 11. Applicant respectfully submits that homeotropic alignment (or perpendicular alignment to first and second substrates) is not a polymer network. As stated in the present application and in the Final Office Action, a polymer network maintains homeotropic alignment (or perpendicular alignment to first and second substrates). The mere presence of polymer network is not indicative of homeotropic alignment. Further, the mere

presence of polymer network is not indicative of perpendicular alignment to first and second substrates, as recited in claim 11.

Applicant also respectfully submits that <u>Li et al.</u> teaches at column 3, lines 37-39 of <u>Li et al.</u> that the liquid crystal material of <u>Li et al.</u> is aligned to have mid-plane tilt. Thus, <u>Li et al.</u> teaches away from a "monomer aligned perpendicular to the first and second substrates," as recited in claim 11. Accordingly, Applicant respectfully submits that <u>Li et al.</u> fails to teach or suggest each and every feature recited by independent claim 11. Moreover, dependent claims 12-17 are allowable over the applied reference of <u>Li et al.</u> for at least the same reasons as discussed above with regard to independent claim 11, and for the additional features that they recite.

For the above reasons, Applicant respectfully asserts that the rejections under 35 U.S.C. 102(e) and 103(a) should be withdrawn because <u>Li et al.</u> neither teaches nor suggests all of the features recited in amended independent claim 11, and hence dependent claims 12-17.

Conclusions

In view of the foregoing, Applicant respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Donald L. Monin, Jr.

Reg. No. 47,256

Dated: January 23, 2004

Customer Number: 009629 MORGAN, LEWIS & BOCKIUS LLP 1111 Pennsylvania Avenue, N.W. Washington, DC 20004 202-739-3000



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U.S. F 2011 Custo Crysta Arling	nissioner for Patents Patent and Trademark Office South Clark Place mer Window, Mail Stop AF al Plaza Two, Lobby, Room 1B03 gton, VA 22202		
Sir:			•
	REQUEST FOR RECONSIDERATE TRANSMITT		
1.	Transmitted herewith is a Request for Recoresponse to the Final Office Action dated Company of the Records of the Final Office Action dated Company of the Final		
2.	Additional papers enclosed:		
		included	

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3. Extension of Time

-	roceedings herein are F.R. § 1.136(a) apply.	• • •	tion and the provisions of		
	Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.				
	Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:				
	Total Months Requested	Fee for Extension	[Fee for Small Entity]		
	one month two months three months four months	\$ 110.00 \$ 420.00 \$ 950.00 \$ 1,480.00	\$ 55.00 \$ 210.00 \$ 475.00 \$ 740.00		
	Extension of time fe	ee due with this requ	est: \$ <u>0.00</u> .		
	If an additional exte therefor.	nsion of time is req	uired, please consider this	a Petition	
	An extension formonths has already been secured and the fee paid therefore of \$ is deducted from the total fee due for the total months of extension not requested.				
Const	ructive Petition				
	hereby authorized b pendency of this app which may be requi any overpayment to	y this paper to chargolication including the red, including any red Deposit Account 5 PETITION FOR EXPENSED	7 C.F.R. § 1.18, the Commige any additional fees during fees due under 37 C.F.R. § sequired extension of time for 0-0310. This paragraph is KTENSION OF TIME in accordance in the contraction of time for the contraction of the contract	ng the entire § 1.16 and 1.17 Pees, or credit intended to be a	

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5. <u>Fee Calculation</u> (37 C.F.R. §1.16)

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CLAIMS AS	AMENDED			T	<u> </u>	
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	7	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R.§1.16(b))	1	minus	3	0	x \$86 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s) \$290.00				+ \$0.00		
SUB-TOTAL =				\$0.00		
Reduction by ½ for filing by a small entity				- \$0.00		
TOTAL FEE =				\$0.00		

6. Fee Payment

\boxtimes	No fee is to be paid at this time.
	The Commissioner is hereby authorized to charge the amount of \$ for the additional claims fee to Deposit Account No. 50-0310.
	The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

By:

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 23, 2004

Donald L. Monin, Jr.

Reg. No. 47,256

CUSTOMER NO. 09629

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